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February 14, 2001

FEB 23 2001

FCC MAIL ROOM

Margalie Salas
Portals II
445 12th Street, SW
Suite TW-A325
Washington, D.C. 20554

Re: CC Docket No. 99-200

Dear Ms. Salas:

Enclosed please find the Comments of the Maine Public Utilities Commission, which were filed on February 13, 2001 in the above-referenced docket.

Respectfully submitted,

Trina M. Bragdon

cc: International Transcription Service, Inc.

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Before the
Federal Communications Commission
Washington, D.C. 20554

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FEB 23 2001

FCC MAIL ROOM

In the Matter of)

Numbering Resource Optimization)

CC Docket No. 99-200

**COMMENTS OF THE
MAINE PUBLIC UTILITIES COMMISSION**

The Maine Public Utilities Commission (MPUC) submits the following comments in response to the Further Notice of Proposed Rulemaking (FNPRM) contained in the Federal Communication Commission's (FCC) December 29, 2000 Second Report and Order (Order) and Further Notice of Proposed Rulemaking in the above-captioned docket.

I. SERVICE AND TECHNOLOGY-SPECIFIC OVERLAYS

The MPUC adopts the positions taken in the attached Outline of State Positions created by the State Coordination Group (SCG Outline).

II. RATE CENTER CONSOLIDATION

The MPUC adopts the positions taken in the SCG Outline. We also offer our experience on this topic. Maine has over 220 rate centers, many with limited calling areas due to the high cost of providing service to rural and coastal areas. Our Industry Task Force examined rate center consolidation (RCC) and reported that fewer than 30 current rates centers could be consolidated without impacting local calling areas, and

therefore, basic service rates. (A copy of the Report is attached.) The Report notes that most of these rate centers are in rural areas, with 10 of them in the territories of Maine's rural independent telephone companies who are still insulated from competition by the rural exemption. The Task Force concluded that a major revision of our Basic Service Calling Area Rule would be necessary when the RCC impacted local calling areas and that revenue losses from the changes in calling areas would have to be addressed.

We have not yet taken further steps to address RCC. Our efforts have focused on implementing thousand block pooling, enforcing utilization and facilities readiness requirements, and reclaiming unused resources. These efforts have proven to be very effective and have forestalled the need for another area code in Maine for the foreseeable future. Given the minimal costs associated with implementing these measures when compared with implementing a state-wide RCC program, we believe we chose the best course of action for Maine. We do not rule out, however, the possibility that RCC may be an appropriate measure to include in our conservation efforts. Thus, we support the recommendation of the SCG that the FCC convene a workshop with industry, state commission, public advocate, and FCC personnel to address both the technical and financial aspects of this issue.

III. THE FCC SHOULD WITHHOLD NUMBERING RESOURCES FROM CARRIERS WHO VIOLATE FCC RULES AND REGULATIONS

The MPUC agrees with the FCC's tentative conclusion that carriers should have numbering resources withheld when carriers fail to comply with mandatory reporting requirements. During the past two years of active involvement on numbering issues,

the MPUC has found that most carriers do not properly train their employees regarding regulatory requirements or stress the importance of complying with the requirements. When we discover that a carrier is not complying with a state or federal numbering regulation, we contact the carrier directly. Almost uniformly, we are told by the persons responsible for numbering issues that they were unaware of the regulatory requirements or did not understand them. While industry personnel who participate in the Industry Numbering Committee (INC) or the North American Numbering Council (often parent-company representatives) may be aware of regulatory requirements, they fail to pass that information on to the frontline personnel responsible for submitting information to regulators and NANPA. By holding carriers liable, including all related carriers, and especially parent companies, the FCC will encourage parent companies to invest the necessary resources to train employees properly. The FCC will also help foster a culture which rewards compliance with numbering requirements.

To assist in this effort, every company with an operating carrier number (OCN) should be required to identify all companies that are related to it and the nature of the relationship. NANPA should then be required to sort through the data and somehow link the related companies in their database. On a going forward basis, before a carrier is awarded an OCN, it should be required to provide information regarding corporate relationships. Finally, the FCC should require carriers to update their corporate relationship information as part of their semi-annual utilization and forecast reporting requirements. This system would ensure that the FCC, NANPA, and state regulators have all the information necessary to assess relationships between carriers.

Finally, with regard to the geographic scope of liability, we encourage the FCC to adopt at least state-wide liability, if not region-wide or nation-wide. Liability at the rate center or NPA level does not provide enough of an incentive (in most cases) to follow the rules and may actually encourage carriers to game the system. Related carriers may not be within the same rate center or even NPA and thus the liability would have no impact on them. Liability at the state level should encourage carriers to comply with reporting requirements but may not be sufficient for smaller and/or one-NPA states. On the other hand, nationwide liability may be too drastic an approach and unnecessarily penalize carriers who are complying in most areas they serve. One alternative may be to use a system of region-wide liability based upon the various NPAC regions or the old RBOC territories. This would ensure that states with little leverage over a carrier (because the carrier does not need resources in that state or because there are no other related carriers in the state) would get the benefit of a carrier's desire/need to obtain numbering resources in other states in the region.

IV. ACCESS TO NANPA'S DATABASE

We agree with the FCC's tentative conclusion that states should have access to NANPA's website through password-protected access to all data reported to NANPA. Such access should be in addition to, and not *in lieu* of, the semi-annual reports produced by NANPA. Access to NANPA's data is necessary for state commissions to exercise the authority that has already been delegated to them. Indeed, the MPUC's access to data relating to NXX assignments was invaluable to our efforts to understand the numbering crisis in Maine and to develop a number conservation strategy.

The MPUC encourages the FCC to expand the scope of state access to NANPA's database. Specifically, the MPUC's receipt of notifications of all code and block requests has allowed us to ensure that both federal and state requirements have been met before resources are allocated. It has also helped us to recognize patterns of individual carrier behavior as well as trends within the industry. The FCC should give states password-protected access to all NANPA databases so that states can monitor all aspects of numbering within their state. The success of states such as Maine, California, New York and New Hampshire, all of which have taken a very hands-on approach to numbering issues and which have carefully reviewed both utilization and application information, shows the value of state involvement and access to data.

V. FEES FOR NUMBER RESERVATION

The MPUC agrees with the positions stated in the SCG Outline on this topic.

VI. THE FCC SHOULD DENY RESOURCES TO CARRIERS WHO VIOLATE NUMBERING RULES AND REGULATIONS

We agree with the FCC's tentative conclusion that carriers who violate numbering requirements or who fail to cooperate with auditors should be denied numbering resources. The ultimate enforcement tool available to the FCC is the ability to deny a carrier numbering resources. Other administrative remedies may have some impact but denial of resources will ensure that these carriers do not have the opportunity to continue violating the rules. Further, unless very severe financial penalties are adopted, the financial benefits and competitive advantages of stockpiling

numbers may exceed the costs of the penalties. Denying a carrier further resources addresses both financial and competitive issues. First, denial of resources negatively impacts the carrier's finances by limiting the number of customers it can serve. Second, denial of resources negatively impacts the carrier's ability to compete in the market and thus levels the playing field. Indeed, denying the carrier the ability to get new resources for some period of time will encourage fair competition, because while the non-complying carrier has no numbers, its competitors who have followed the rules will be able to take advantage of the marketplace.

VII. STATE COMMISSIONS SHOULD HAVE THE AUTHORITY TO CONDUCT "FOR CAUSE" AND "RANDOM" AUDITS

The MPUC agrees with the SCG Outline on this issue.

VIII. RECOVERY OF THE COSTS OF POOLING

The FCC requests any information relating to the costs associated with implementing thousand block pooling. As the attached Order discusses, the costs to Verizon-Maine for implementing thousand block pooling using the 1.4 NPAC software totaled \$1.1 million. Costs to Maine's independent telephone companies has been minimal because we have not implemented pooling in their territories. These carriers have only been responsible for a percentage of the total pooling administration costs, which ranged from \$50 to \$1,300 per carrier, depending on their revenues. We do not have any data on competitive local exchange carriers' costs.

IX. POOLING FOR NON-LNP-CAPABLE CARRIERS

The MPUC supports requiring non-LNP-capable carriers to participate in pooling. Specifically, we support requiring all wireless carriers to participate in pooling. Because Maine is not included in the top 100 MSAs, wireless carriers in our state will not be required to participate in pooling until they receive a request to deploy LNP from a competing carrier. As we have stated in earlier comments, inclusion of wireless carriers in Maine pooling would increase the effectiveness of pooling substantially. In Maine, the overall utilization rate for wireless carriers is 33% - there are thousands of unused numbers which could be more effectively used in a pooling environment. This is especially true for carriers who offer special services, such as pre-paid service, which require separate NXXs. We have several carriers offering such services and using less than 20 numbers of a full NXX. If those carriers were required to pool, nine blocks from each of those NXXs could be donated to the pool.

As the FCC notes, non-pooling wireless carriers will need to implement a common platform to support roaming of pooling carriers. While we do not have specific data on the costs associated with implementing the additional technology to become fully LNP-capable, we believe the FCC should consider the substantial benefits to individual NPAs and the overall NANP if all wireless carriers participate in pooling.

State commissions should be given the authority and discretion to determine whether non-LNP-capable carriers should be required to participate in pooling. Individual state circumstances vary and thus a "one size fits all" approach may not be appropriate. Some states have very few rural carriers while others may have over a hundred. Whether rural carriers should participate in pooling in a given NPA/state will

depend upon the specific circumstances – patterns of use, whether the rural exemption has been lifted, proximity to urban areas, etc. While Maine has chosen not include its rural carriers in pooling at this time, that decision may need to be revisited if circumstances change. We should have the flexibility to make such a decision when the circumstances warrant without having to go through a lengthy process at the FCC.

X. WAIVER OF UTILIZATION RATE REQUIREMENTS

The MPUC agrees with the SCG Outline on this issue. Since we implemented utilization rate requirements in November 1999, we have only had two requests for codes outside those requirements. We granted both requests based upon the specific circumstances presented by the request. We believe that we should continue to have the discretion to waive the utilization rate requirements if specific circumstances warrant. So long as state commissions have the discretion to waive the requirements, specific standards do not need to be established; indeed, specific standards may hinder a commission from giving relief where it might otherwise be warranted.

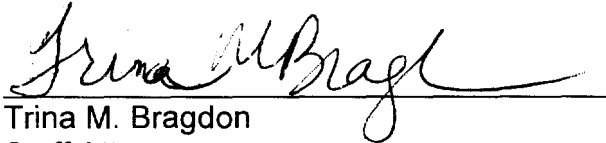
XI. CONCLUSION

The MPUC urges the FCC to consider both the comments and experience of state commissions on numbering issues. We have worked hard to protect the public interest in our national numbering resources and to avoid the unnecessary costs associated with premature area code relief. We hope to continue to work with the FCC,

NANPA, and the industry to implement measures which encourage efficient number allocation and the preservation of the NANP.

Respectfully submitted,

MAINE PUBLIC UTILITIES COMMISSION

A handwritten signature in black ink, reading "Trina M. Bragdon", written over a horizontal line.

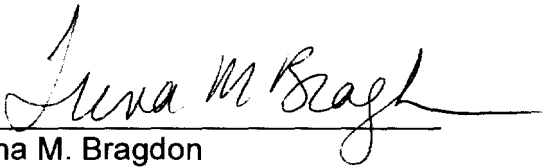
Trina M. Bragdon
Staff Attorney

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Dated: February 14, 2001

Certificate of Service

I, Trina M. Bragdon, certify that on this day the Maine Public Utilities Commission's Comments were served via first-class mail to the persons on the attached service list.


Trina M. Bragdon

Dated: February 14, 2001

STATE COORDINATION GROUP OUTLINE

This outline represents the efforts of staff members of the following state commissions: California, Connecticut, Florida, Indiana, Maryland, Maine, Nebraska, New Hampshire, New York, Oklahoma, Pennsylvania, Tennessee, Texas, Utah, Vermont, and Virginia. The staffs of these commissions generally support the positions set forth in this outline, although the conclusions presented on the listed issues should not be construed to be unanimous on all items. Further, these views of the state staff should not be construed to reflect the positions of their Commissions.

Para.	Question/Tentative Conclusion	State Position
128	"...conclude that we should revisit the prohibition against service-specific and technology-specific overlays..."	<p>States support the FCC's conclusion to revisit the prohibition against service-specific overlays; however, we are disappointed that the only form of technology-specific overlay the FCC seems prepared to consider is the "transitional overlay" proposed by the wireless industry. From the state perspective, the transitional overlay does not provide the necessary relief and comes with attributes which are unattractive to the public, such as 10-digit dialing and the loss of any geographic association with a single area code. In addition, transitional overlays do not respond to the public interest, expressed frequently in many states, in placing wireless carriers in "their own area code." Under a transitional area code, the public might initially believe the new area code is dedicated to wireless services, only to discover too late that the new area code will include second or third lines in their homes or businesses. This seems a poor substitute for the kind of authority states have requested.</p> <p>Nonetheless, we do not wish to discourage the FCC from reconsidering its prohibition on technology-specific overlays. Thus, we do not object if the FCC decides to add the transitional overlay</p>
129	"...we seek comment...on the conditions under which service-specific and technology-specific overlays must be implemented in order to promote competitive equity, maximize the efficient use of numbering resources, and minimize customer inconvenience."	

	<p>to the options available to states in developing an area code relief plan. States would object vigorously, however, to an FCC mandate that states must implement a transitional overlay, either as the only overlay option or as the only "relief" option.</p> <p>Because we find the transitional overlay an unsatisfactory alternative, we offer no comments in response to the specific questions the FCC posed in the FNPRM. Rather, we urge the FCC to think more broadly about how to use overlays. States continue to believe that use of overlays for specific types of services would be a valuable tool in the effort to conserve numbering resources and to delay expansion of the North American Number Plan (NANP). We repeat also that in many states, we have encountered tremendous public support for the concept of a separate area code for wireless service.</p> <p>We encourage the FCC to work with the states and the industry to develop a new approach to number assignment - one that would keep the ILEC rate center structure in place, but superimpose a second layer of "area codes" dedicated to services not dependent on that structure. These new area codes could be larger than any one area code extant today, i.e., expanded overlays and regional overlays, and could accommodate new services. Wireless providers could use these area codes as well, as their networks are deployed independent of the ILECs' network, though they do interconnect. We recognize that creating such a structure would raise rating and routing issues which must be resolved. We are prepared to work with the industry and the NANC to fashion solutions.</p> <p>We also recognize the FCC's long-standing commitment not to discriminate against specific providers or types of services. At the same time, we believe that not all services should be viewed as</p>
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		<p>equivalent from a numbering perspective. Some carriers are inextricably tied to the traditional rate center structure, while others are not. In addition, the public is completely unaware of numbers allocated to some types of services because the numbers associated with those services are used for data transmission purposes only, and are "known" only by electronic equipment. Failing to take advantage of these differences could be shortsighted and costly to the North American Numbering Plan. While the degree of crisis in the NANP has eased since the FCC delegated authority to the states to undertake conservation measures, much more remains to be done. We urge the Commission to permit states to explore the option of placing some types of services in long-term expanded overlays.</p>
146	<p>"We seek further comment on the rate center problem, particularly on what policies could be implemented at the federal level to reduce the extent to which the rate center system contributes to and/or accelerates numbering resource exhaust."</p>	<p>At the root of the "rate center problem" is the "historic connection" between rate centers and the rating (or billing for) and routing of telephone traffic; it is the very issue that stymies state commissions in their efforts to approach rate center consolidation. Indeed, several states have asked their industry groups to explore this option only to be told that no progress can be made until the revenue issues (the need to raise basic monthly rates to compensate the ILECs for lost toll revenues) are resolved. Experts have projected that rate center consolidation could result in a per-access-line increase of \$1.09 - \$15.73 in basic monthly rates, depending on the state.¹ Such increases are a difficult sell for the public, particularly since most residential customers have yet to see any significant local exchange competition materialize.</p>
148	<p>"We... seek comment on ways of severing the connection between number assignment and call rating and routing."</p>	<p>While we maintain our belief that rate center consolidation remains a state decision, we acknowledge the impetus for the FCC's efforts to press states to pursue rate center consolidation. Given the complexity of the issues involved, and the FCC's avid interest, we</p>

¹ "Where Have All the Numbers Gone?" (Second Edition), the Ad Hoc Telecommunications Users Committee, prepared by Economics and Technology, Inc., June 2000.

		suggest that an FCC-sponsored workshop could be productive. In such an environment, carriers could propose possible technical means of severing the connection between rate centers, and rating and routing. In the same context, state representatives could work with carrier representatives in an effort to find some middle ground on the question of revenue neutrality.
150	"We tentatively conclude that carriers should, in certain instances, have numbering resources withheld when related carriers are subject to withholding for failure to comply with our mandatory reporting requirements."	We agree with the FCC's tentative conclusion. State experience has shown that carriers often do not properly train employees regarding regulatory requirements nor stress the importance of complying with the requirements. Holding related carriers liable would encourage parent companies to provide the necessary training for employees and would reduce a carrier's ability to "game" the system. By putting the parent company at risk, the FCC will encourage corporate support for compliance with regulatory requirements.
	"We seek comment on how to identify relationships (i.e. the existence of parent and sister companies) among reporting carriers..."	Identifying and <u>tracking</u> relationships between carriers can be very difficult and time consuming in an era when companies reorganize on almost a daily basis. The FCC should place the burden for keeping records updated on carriers by adopting rules which require carriers to update their information with each semi-annual NRUF submission and at any time when a carrier's corporate structure changes. Failure to comply with these rules should result in the withholding of numbering resources for a period of time.
	"We seek comment on...what geographic limitations should be placed on those relationships in determining liability among related carriers. Specifically, should related carriers nationwide be affected, or only related carriers located within the same state, NPA or rate center as the noncompliant carrier."	Liability should be at least at the state level because rate center level would provide no incentives for compliance and NPA level might allow for game playing within a state.

151	<p>"We...tentatively conclude that states should have password-protected access to mandatorily reported data received by NANPA...We seeks comment on whether the type of access NeuStar proposes is necessary, sufficient or whether the access previously granted to state commissions (to semi-annual data) is sufficient..."</p>	<p>We agree with the FCC's tentative conclusion that states should have password-protected access to data reported to NANPA. Such access should be in addition to, and not <i>in lieu</i> of, the semi-annual reports produced by NANPA. Access to NANPA's data is necessary for state commissions to exercise the authority that has already been delegated to them.</p> <p>States are concerned that the information provided by NANPA could contain custom-produced spreadsheets and/or individually passworded files which may not be suitable for every state commission or which may preclude manipulation of the data. Therefore, we recommend that state commissions have access to NANPA's "raw database" from which each state commission could customize its own spreadsheets for different reporting purposes. Finally, we request that states be given access to data that is updated on a real-time basis.</p>
152	<p>"We seek comment on the NANC's proposal to allow unlimited reservations of numbers on a month to month basis."</p>	<p>The proposal put forth by NANC noted NARUC's lack of concurrence. The NARUC members of NANC noted that while they do not oppose the concept of charging for reserved numbers, NARUC was unable to concur in the particular proposal put forth (i.e., charging a minimum fee of \$0.25 per telephone number per month.) We agree with the NARUC representatives' concerns. The proposed fee, or any single fee methodology, cannot recognize the impact reserved numbers have on the exhaust of the North American Numbering Plan, and hence to all consumers. A reserved number may pose a higher cost to society depending on the NPA, the time to exhaust in the NPA, and the length of time reserved; these differences in the value of reserved numbers should be reflected in the fee structure, if one were adopted. There is no assurance, however, that a reasonable price could be set which provides the proper incentive to discourage abuse.</p>

	<p>"We seek comment on whether unlimited reservations of numbers are necessary, or whether there should be a constraint on the time period that numbers can be reserved."</p>	<p>Extensions of up to 180 days, or 6 months, should be more than adequate for customers to properly use numbers assigned to them, after which time the numbers should be returned to general availability. Unlimited reservations invite number hoarding and do not promote sound public policy for use of a limited resource. Charging a fee for reservations does not guarantee that end users with unlimited resources will not be able keep numbers and offers no assurance that the numbers will actually be used. An example is an entity with a need for 3000 numbers and a desire to have a "vanity" NXX. The entity is willing to pay a fee to "lock up" the remaining 7000 numbers but has no intention of placing these remaining numbers into service.</p>
154	<p>"...we tentatively conclude that carriers that violate our numbering requirements, or that fail to cooperate with the auditor to conduct either "for cause" or random audit, should also be denied numbering resources in certain instances."</p>	<p>We agree with the FCC's tentative conclusion. The ultimate enforcement tool available to the FCC is the ability to deny a carrier numbering resources. While forfeitures, revocation of authority, and cease and desist orders may have some impact, they might not be enough to deter a carrier from violating the rules. It may be financially more worthwhile to stockpile numbers and hope nobody notices, and pay a small fine if they do, than to follow the rules. Thus, reclaiming all unnecessary resources and denying the carrier the ability to get new resources for some period of time will encourage fair competition, for while the non-complying carrier has no numbers, its competitors who have followed the rules will be able to take advantage of the marketplace.</p> <p>We note that states have begun to encounter carriers who refuse to provide NRUF data because they do not anticipate the need for numbering resources in the near future. These carriers are able to "get away" with this behavior because the only penalty at this time for failure to file is denial of resources until the data is filed. Because of the importance of this data to the FCC, the states, and</p>

		NANPA, the FCC should adopt additional penalties for failure to file NRUF data.
154	<p>“...we seek comment on whether only the Commission should direct the NANPA or Pooling Administrator to withhold numbering resources.”</p>	<p>The FCC’s Common Carrier Bureau should be empowered to direct NANPA and the Pooling Administrator to withhold additional numbers until the carrier has complied or cooperated. If the FCC delegates authority to the States to conduct random or “for cause” audits, then the States should also be delegated authority to direct NANPA and the Pooling Administrator to withhold number assignments to carriers that fail to comply with numbering requirements or cooperate with auditors.</p> <p>States should also have the authority to direct NANPA and the Pooling Administrator to withhold numbering resources if the state finds evidence of a violation of the FCC’s numbering rules.</p>
155	<p>“...we seek comment on whether state commissions should be given independent authority to conduct “for cause” and random audits in lieu of or in addition to the national audit program...and what parameters should apply to any such authority.”</p> <p>“...commenters should address concerns about state commissions employing different standards in performing “for cause” and random audits”</p>	<p>Most state commissions currently have independent authority under state law to conduct audits of all utilities under their jurisdiction. Thus, state commissions already have the authority to conduct for cause and random audits on most carriers in addition to any national audit program established by the FCC.</p> <p>States should be given authority in addition to, not <i>in lieu of</i>, a national audit program. State level and national level audits results could and should be shared. Thus, while a state commission audit may not be <i>in lieu of</i> a national audit, the state results might be incorporated into a national audit and <i>vice versa</i>.</p> <p>The information required by states for a state-level audit would reflect the carrier’s utilization data – the same as would be required by a national level audit. Little or no data manipulation is expected to be required of the carrier, other than segmenting it by state and</p>

		<p>NPA. The standards applied by the states would be the same as those applied by the FCC, except where the FCC has specifically allowed a state to apply a standard, i.e. those states whose higher utilization rates have been grandfathered by the FCC. Thus, concerns regarding different standards are unfounded.</p>
158-178	<p>"We ...seek specific proposals on how to structure such a system [market-based approach]..."</p>	<p>While the states do not object to the exploration of a market-based approach to the allocation of numbering resources, we do not have specific comments to offer at this time. Most state commissions do not have the personnel on staff to conduct the in-depth analysis necessary to properly address the FCC's questions.</p>
184	<p>"...we seek comment on whether we should now require carriers to participate in pooling even if they are not required under our rules to implement LNP."</p>	<p>The FCC should delegate to state commissions authority to determine whether non-LNP-capable carriers should be required to participate in pooling. Individual state circumstances vary, and a "one-size-fits-all" approach is not appropriate. For example, some states have very few rural carriers, while others have over a hundred such carriers. Most states have a mix of carriers. In addition, most of the NPAs in some states fall within a top 100 MSA, while other states may have no top 100 MSA within their borders. In some states, wireless carriers have a very high utilization rate, while in others, the utilization rate may be fairly low. In other states, the utilization rate for wireless carriers may vary from NPA to NPA.</p> <p>Whether non-LNP-capable carriers should participate in pooling in any given NPA or state will depend on the specific circumstances within each state. These circumstances include, but are not limited to, patterns of telecommunications traffic, whether the rural exemption has been lifted, proximity to urban areas, and carrier utilization data. Each state commission is best situated to evaluate its circumstances and to determine whether non-LNP-capable carriers should be required to participate in pooling (and perhaps</p>

		become LNP-capable).
186	<p>“...we seek comment on the need to establish a ‘safety valve’ apart from the general waiver process to allow carriers that do not meet the utilization threshold in a given rate center to obtain additional numbering resources”</p> <p>“...we seek data on the extent to which this problem exists...”</p> <p>“...we seek comment on possible solutions, including intra-company and intra-rate center pooling or porting of unassigned numbers among switches...”</p> <p>“...we seek comment...on the form a possible ‘safety valve’ mechanism might take...”</p> <p>“...we seek comment on whether NANPA or state commissions should be given the authority to decide on request for waiver of the utilization threshold requirement in certain narrowly defined instances....”</p>	<p>We encourage the FCC to take a very cautious approach to the creation of a safety valve. While we do not oppose the creation of a safety valve in principle, we have serious concerns about a safety valve becoming the exception that swallows the rule.</p> <p>While individual states will provide empirical data, the general collective experience of the states who have implemented utilization rates over the past year is that there are very few instances which would require the use of a safety valve.</p> <p>We support using the available technology to its fullest in maximizing numbering efficiency.</p> <p>The safety valve must place the burden fully on the carrier to justify, by means that are readily verifiable, the exceptional circumstances which warrant deviation from the rules. The safety valve should also come with a provision which will severely punish any carrier that abuses the system in order to discourage inappropriate use.</p> <p>State commissions who request authority to decide waiver requests should be given that authority. State commissions are in the best position assess and verify the information provided by the carrier and to assess the impact of granting the exception on the NPA involved. In those states where the state commission chooses not to exercise this authority, the FCC should exercise the authority – a structure similar to the reclamation process.²</p>

² If the FCC does not want this responsibility, the industry in a given state should be free to determine how any safety

		<p>In order to ensure that carriers do not abuse the safety valve, the situations under which carriers could use it must be very narrowly defined and include as many objective criteria as possible. The carrier should also be obligated to provide updated utilization data for the NPA (and perhaps a neighboring NPA if in a metropolitan area) so that the state can verify that the need which provides the basis for the request cannot be met by existing resources.</p>
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valve will be administered.

INDUSTRY TASK FORCE REPORT ON RATE CENTER CONSOLIDATION IN THE 207 NPA

On October 1, 1998, the Maine Public Utilities Commission authorized the formation of an Industry Task Force (Task Force) to look into the potential use of 1,000 Block Number Pooling and Rate Center Consolidation (RCC) in Maine as tools to help prevent or delay the exhaust of the 207 NPA. On November 2, 1998, the Task Force submitted a report on the 1,000 Block Number Pooling issue, indicating that the Task Force would continue working on the RCC issue. This report constitutes the Task Force's analysis of the issues relating to the viability of RCC in Maine as a tool to prevent or delay the exhaust of the 207 NPA.

The initial meeting of the Task Force was established by a memorandum sent by the Telephone Association of Maine on November 6, 1998, to those members of the Industry operating in Maine, inviting all members of the Industry to attend (service list attached). The Task Force subsequently engaged in a series of draft revisions and conference calls throughout November and December. This Report was prepared by the Telephone Association of Maine with the advice and participation of the following organizations: Bell Atlantic; MCI WorldCom; the Telephone Association of Maine; Mid-Maine Telecom; TDS Telecom; Tidewater Telecom; Unitel, Inc.; the New England Cable Television Association; and NANPA/Lockheed Martin. Additionally, members of the Maine Public Utilities Commission monitored the conferences and provided information and feedback throughout the process.

Introduction

RCC combines two or more rate centers into a single rate center, thereby decreasing the total number of rate centers in a geographic area, such as the State of Maine. RCC has been identified as a code conservation method because it allows carriers with relatively few switches in the State, such as wireless providers and Competitive Local Exchange Carriers (CLECs), to request fewer NXXs to serve a geographic area. However, because an exchange code is assigned to both a switch and a rate center, RCC would not decrease the code requirements of those carriers with one or more switches in an existing rate center, such as Bell Atlantic and some of the other Incumbent Local Exchange Carriers (ILECs). Nevertheless, RCC has the potential, depending on how it is implemented, to help slow down future exhaust of exchange codes, and, hence, area codes. This is due primarily to the fact that the fastest growing segment of the Industry, as measured by number of exchange codes requests, are CLEC and wireless companies.¹

¹ Over the past year, NXXs have been requested in Maine on a monthly average as follows: 0.72 ILEC requests, 3.54 CLEC requests, 0.63 Interexchange Carrier (IXC) requests, and 2.27 Wireless requests.

There are several considerations which must be taken into account when discussing RCC. Notably, these include the effects that RCC could have on local calling areas throughout the NPA, as well as potential customer disruption and issues of revenue recovery and general costs of implementation.² The Task Force studying this issue has determined that the best method to approach the benefits and disadvantages of RCC is to conduct the discussion in two distinct parts. The first part addresses RCC when there are no changes to local calling areas, and the second part examines RCC where rate centers, including Basic Service Calling Area (BSCA) and Extended Area Service (EAS) areas will be altered.³

The Task Force has determined that, while RCC affecting local calling areas could have an impact on the exhaust of the 207 NPA, the existing BSCA structure in the State would have to be changed to accommodate the new rate center makeup of the State. Accordingly, the question would be whether the costs and time involved in reworking BSCA would outweigh any benefit to the State which might be realized by adopting RCC affecting local calling areas.

Rate Center Consolidation without affecting local calling areas would be less disruptive to the State, and could potentially slow the exhaust of the 207 NPA. However, there would be potential customer disruption in the form of changes in toll bills which could lead to higher customer bills, as well as changes in local calling rates and the cost of Optional Calling Plans. The question would be whether the exhaust of the 207 NPA would be slowed enough to justify the customer disruptions which would result from the implementation of RCC without affecting local calling areas.

This report is not intended to offer an absolute answer as to whether or not RCC would be a worthwhile endeavor at this time. Instead, this report is intended to inform the Commission as to the steps which would need to be taken, and the factors which would need to be considered, in order to proceed with any formal attempts at Rate Center Consolidation in Maine. It is important to note that the plans evaluated below are Rate Center Consolidation, not Central Office/Wire Center Consolidations, and therefore will not provide the same NXX conservation benefits for many of the ILECs that it will for the incoming companies. Several ILECs throughout the State currently do not have the operating systems to support NXXs being shared by more than one central office.

² RCC may affect the balance of local and toll traffic, and thus affect rates associated with both of these types of traffic, including customer end user access rates. In addition, costs for implementation of RCC would include the cost of studies to determine the best method of implementation of RCC and the cost of educating customers, as well as costs on the customer's side, such as the cost of reprogramming dialing systems to account for the altered rate centers.

³ RCC has been implemented recently in several States, including Colorado, Connecticut, Texas, Arizona and Minnesota. Colorado is the only State the Task Force is aware of which affected local calling areas through its implementation of RCC.

Required Information

In order for the Industry to move forward on RCC of any sort, the Commission would have to provide the Industry with guidance and the most up to date information regarding:

- The target number for how many NXXs would have to be conserved in order to have a meaningful effect on the exhaust of the 207 NPA;
- How many NXXs are projected to be requested in Maine over the next 3 years;
- Where in Maine new NXXs are projected to be requested over the next 3 years;
- Which types of carriers are requesting new NXXs in Maine; and
- What the Commission would consider an unreasonable amount of customer disruption which would act to outweigh the benefits of RCC.

The Task Force understands that some of this information has been provided, but on a confidential basis. Nonetheless, in order for the Industry to address RCC in a meaningful manner, the Task Force requests that the Commission provide the Industry with the necessary information in an appropriate form which would safeguard the interests of those companies who filed information with the Commission. In addition, the Industry understands that in order to gather the requested information the Commission may have to conduct further inquiry into these issues. The Industry stands ready to assist the Commission in this effort.

RCC Without Affecting Local Calling Areas

The first option for the implementation of RCC in Maine is the option of only consolidating those rate centers which are: (1) contiguous; and (2) unencumbered by BSCA and EAS concerns. Bell Atlantic currently serves the most exchanges in the State with approximately 140 exchanges in all. According to Bell Atlantic, of these 140 exchanges, only 18 are contiguous with another rate center, where both rate centers are unencumbered by BSCA and EAS concerns. This results in a total of 9 consolidated rate centers. All of the 23 Independent Telephone Companies combined would realize a total savings of between 10 and 15 rate centers through RCC. The majority of these rate centers are in rural parts of the state. Given that it is impossible to know exactly where carriers may request NXXs after RCC is implemented, it is difficult to determine whether or not rural rate center consolidation would help. However, it is possible that a savings of as many as 24 rate centers would have some effect on the exhaust of the 207 NPA, depending on how many actual requests for NXXs are made in these rate centers.

The costs associated with RCC without affecting local calling areas in Maine would go beyond basic implementation costs. Changing the rate centers would affect the toll billing system, including most Optional Calling Plans, as toll calls are presently rated based on distances between the V&H coordinates of wire centers. This would also have an impact on carrier access rates, which are distance sensitive as well. Additionally, local rates could increase as a result of changes in rate centers. Customers would see changes in their toll bills as a direct result of this action, which could lead to customer confusion and higher bills for some customers, indicating that RCC without affecting local calling areas would not be a transparent issue. In addition, costs would be associated with initial studies to determine the best method of implementation of RCC without affecting local calling areas, as well as the cost of educating customers about the resulting changes.

Before determining whether or not RCC without affecting local calling areas would have a meaningful effect on exhaust of the 207 NPA, the Industry would need the information requested in the above section entitled Required Information. Without this information, the Task Force is unable to determine exactly how long the process would take from instigation to implementation.

RCC Affecting Local Calling Areas

RCC affecting local calling areas would have a greater potential for conserving future use of NXXs in Maine, as the limitations described above regarding the consolidation of rate centers where one or more of the rate centers is encumbered by BSCA or EAS concerns would not be a factor, thereby increasing the areas where rate centers could be consolidated. However, affecting local calling areas, whether in certain parts of the State or throughout the State as a whole, is not a process that should be entered into lightly or as a tangent to Area Code Relief, since any RCC affecting local calling areas would require changes to the current structure of BSCA in Maine.

The current local calling situation in Maine is made up of EAS and BSCA plans which were developed on an exchange by exchange basis. In the event of RCC affecting local calling areas, the entire BSCA structure in the State would have to be examined. The current BSCA structure in Maine was developed by measuring how many calls in a representative period of at least one month were made from an initiating exchange to a receiving exchange within 30 airline miles of the initiating exchange, measured by the V & H coordinates of each exchange. If more than 50% of all residential customers in the initiating exchange made 4 or more calls to the receiving exchange per month in the representative period, then the two exchanges were added to each other's Premium calling areas. Therefore, for example, Newburgh, a Unitel exchange, has BSCA to Bangor while Unity, which is a Unitel exchange contiguous to Newburgh, does not. If Unity and Newburgh were consolidated into a new exchange of Uburgh, the issue would arise whether this new exchange of Uburgh would require a new assessment of the calling patterns of the newly created exchange to determine whether or not Uburgh meets the criteria for establishing BSCA to Bangor. In this instance, it would also be crucial to determine where the V&H coordinates would be located for the new exchange and

whether or not that V&H location would be within 30 airline miles of Bangor's V&H coordinates.

The Commission would also have the option of revisiting the BSCA Rule and altering it to take into account the structure of the new exchanges. Such an amendment of the Rule would require a separate Rulemaking and a new examination of the revenue effects of an amended BSCA Rule. Accordingly, if RCC was adopted and local calling areas were restructured, there would be the issue of recouping the losses incurred by the individual phone companies as a result of the changes in local calling areas. In Colorado's recent consolidation of the 303 Area Code, the Colorado Public Utilities Commission allowed for a somewhat arbitrary figure of a \$0.50 increase in basic residential rates, as well as a slightly higher increase in business rates, for all of US West's customers, even those unaffected by RCC, stating that "the Commission finds that the benefits of the expanded local calling area and rate center consolidation to better utilize available numbers outweigh the impact of the rate increase on those customers who will not directly benefit from the increased local calling area." In the Matter of Rate Center Consolidation With the 303 Area Code, Creation of a Single Local Calling Area Defined As All Territory Within the 303 Area Code, and Permissive 11 Digit Local Dialing, Docket No. 97M-548T, Decision and Order at 10 (Co. PUC, April 1998). However, Colorado initiated RCC in conjunction with an overlay of a new Area Code in the 303 region, and part of the impetus for initiating RCC in the 303 Area Code was to "permit all telephone numbers assigned to the new 720 Area Code, which is contemplated to be introduced later this year, to automatically be associated with the more efficient rate center configuration being adopted in this decision." Id. at 7. In addition, the Colorado Commission was affecting the local calling area structure in the 303 Area Code in order to expand the Denver Metro calling area, an expansion which had been long requested by the people in the communities which were most affected by the change in local calling areas. Accordingly, it is apparent that, in addition to attempting to forestall the exhaust of the 303 Area Code, Colorado's RCC was intended to serve the public interest through the expansion of the Denver Metro calling region and to ensure that the incoming 720 Area Code would have a more efficient rate center structure to allow the new Area Code to last longer than the 303 Area Code.

Finally, in order to determine which rate centers could be consolidated effectively with a minimum of disruption to customers, each company would have to study the issues involved. In order to effectively study the issues, Industry members would require the information requested in the Required Information section above for analysis. The time required to complete this analysis would be directly related to the scope of any RCC plan which the Commission may choose to adopt. Moreover, once the studies were completed and a final plan was approved by the Commission, the plan would take time to implement. While the Industry has no explicit knowledge of how long this would take, it would be several months at the very least. This, coupled with the fact that RCC would not yield an immediate recovery of NXXs but would rather act to reduce future requests for NXXs, makes it uncertain as to whether RCC which affected local calling areas could be implemented soon enough to have any real effect on the exhaust of the 207 NPA.

Conclusion

While RCC affecting local calling areas would have the greatest impact on the exhaust of the 207 NPA, there are significant complications concerning Maine's unique BSCA Rules which may outweigh the benefit to the State. RCC without affecting local calling areas would be less disruptive to the State, and could potentially slow the exhaust of the 207 NPA. The primary question would be whether the exhaust would be slowed enough to justify the time and expense and potential customer disruption of implementing RCC without affecting local calling areas. In order to answer that question, the Commission would need to provide the Industry with information regarding: where new NXXs are being requested, or will potentially be requested in the near future; how many new NXXs will likely be requested in the near future in each area of the State; the number of NXXs which would need to be conserved in order to meaningfully affect the exhaust of the 207 NPA; and what the Commission would consider an unacceptable amount of customer disruption which would outweigh the benefits of Rate Center Consolidation. In addition, when considering the issue of RCC, the Commission must bear in mind the surrounding issues which will be affected by RCC, such as the structure of BSCA in Maine and changes to local rates, Optional Calling Plans, and toll bills throughout the State.

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 98-634

March 1, 2000

PUBLIC UTILITIES COMMISSION
Investigation into Area Code
Relief

ORDER

WELCH, Chairman, NUGENT and DIAMOND, Commissioners

I. SUMMARY

In this Order, we deny Bell Atlantic's (BA) Motion to Defer the Implementation of Pooling Until October 2000 (Motion). In addition, we adopt several changes to the pooling implementation schedule established at the Industry Implementation Meeting.

II. BACKGROUND

On November 4, 1999, the Commission ordered the implementation of thousand block pooling in Bell Atlantic's service territory by June 1, 2000.¹ On November 17, 1999, an Industry Implementation Meeting was held during which the following schedule for pooling implementation was established:

November 4, 1999 - February 2, 2000	Block Protection
April 1, 2000	Block Forecast Report
April 27, 2000	Block Donation Identification
April 27, 2000 - May 18, 2000	Pooling Administrator Assessment of Industry Inventory
May 25, 2000	Uncontaminated Block Donation
June 1, 2000	Pool Start Date
October 31, 2000	Contaminated Block Donation

BA, as well as the other pooling participants, indicated at the meeting that they were willing and able to meet this schedule.

On November 30, 1999, BA filed its Motion requesting that the Commission delay the implementation of pooling until October 2000. BA argued that delaying the start date would allow BA to modify its operational support systems (OSSs) so that it could implement pooling on a mechanized basis and avoid the costs associated with manual

¹ On September 28, 1999, the FCC delegated authority to the Commission to establish thousand block pooling in all LNP-capable rate centers in Maine. *In the Matter of Maine Public Utilities Commission, Petition for Additional Delegated Authority to Implement Number Conservation Measures*, CC Docket No. 96-98, Order (September 28, 1999) (*FCC Delegation Order*).

implementation of pooling. BA estimated that the "one time" fixed costs associated with manual pooling would exceed \$10 million for Maine. BA also claimed that delay of the start of pooling would not negatively impact the exhaust date of the 207 NPA.

On December 1, 1999, the Hearing Examiner issued a procedural order requiring BA to provide a detailed analysis of the incremental costs associated with pooling on June 1, 2000 rather than October 2000 and set December 10, 1999, for a hearing on BA's Motion. On December 7, 1999, BA submitted its detailed cost analysis. According to BA, a June 1 start date would result in \$7.3 million in incremental expenses that would be shared by all the states that pooled in the BA-North area and \$2.9 million in incremental Maine-specific costs.

During the questioning of BA on December 10, 1999, it became clear that many of the costs included in BA's estimates were not incremental costs associated with a June start date, but were costs that would be incurred regardless of the start date. Further, it also was clear that many of the fundamental assumptions used by BA in its calculations were flawed. For example, BA assumed that all its numbering needs during the manual portion of the pool would be met with donated blocks. Given that BA would be allowed to keep at least a 6-month inventory of numbers, such an assumption grossly overstates the costs associated with the June 1 start date. Because of the unreliability of the BA estimates, the Commission requested that BA submit revised cost estimates if it wished to pursue its Motion.

On December 14, 1999, the Hearing Examiner issued a procedural order requiring BA, all CLECs, and all wireless carriers to submit updated COCUS information by December 30, 1999, so that the Commission could evaluate the impact that the pool start date would have on the exhaust of the 207 NPA.

On December 29, 1999, BA resubmitted its cost estimates. According to BA's revised estimates, the shared incremental costs for a June start date would be \$2.6 million dollars and the Maine-specific incremental costs would be \$2.5 million dollars.

III. BA'S MOTION

A. Updated COCUS Information

According to the updated COCUS information provided by the carriers,² the number of new codes needed for this year is as follows:

1/00-6/00	6/00-12/00
32	25

² One carrier has not yet provided its updated COCUS data.

These estimates do not include any codes for new entrants. Based upon new entrant needs in 1999, NANPA's growth forecast for the 207 NPA, and the number of pending CLEC certifications, at least 40 additional codes will be needed in 2000 for new entrants.³

Currently, there are approximately 155 codes left in the 207 NPA. Wireless carriers will not be LNP-capable, and thus able to pool, until November of 2002. Further, Maine's 23 independent telephone companies (ITCs) are not yet LNP-capable and are not required to be so until they receive a *bona fide* request. Accordingly, in order to appreciably extend the life of the 207 NPA, Maine needs a sufficient supply of full NXX codes to meet wireless and ITC numbering needs for at least the next three years, as well as to fill individual rate center pools.

If the Commission were to delay pooling until October 2000, there would only be approximately 56 NXX codes left at the time pooling began. While forecasted wireless needs for 2001 and 2002 are minimal, the Commission cannot be sure of the accuracy of the forecasts or the exact date of wireless implementation of pooling. In addition, it is unclear exactly how many codes will be needed to fill rate center pools between October 2000 and December 2003. If pooling begins in June, there will be approximately 104 NXX codes left, an amount that should be sufficient to meet wireless and ITC needs and fill rate center pools for several years.

B. BA's Revised Cost Estimates

As noted above, BA's revised cost estimates decreased the overall costs by \$5 million (50% of the original estimate). The following tables summarize the costs (as provided by BA) associated with each aspect of pooling over the next year and the implementation date after which the cost would be completely avoided.

MAINE-SPECIFIC COSTS

<u>COST</u>	<u>AMOUNT</u>	<u>AVOIDANCE DATE</u>
Donation of Vacant Blocks	\$1,060,900	November 1, 2000
Donation of Contaminated Blocks	\$84,601	February 1, 2001
Receipt of BA-ME Blocks	\$18,515	April 1, 2001
Receipt of CLEC Blocks	\$1,570,321	April 1, 2001

³ Last year, new entrants obtained approximately 37 codes. NANPA based its May 1999 exhaust forecast for the 207 NPA in part upon a projection of 20 growth codes needed by new entrants per year.

SHARED COSTS

<u>COST</u>	<u>AMOUNT</u>	<u>AVOIDANCE DATE</u>
Common	\$270,820	November 1, 2000
Donation of Vacant Blocks	\$1,560,000	November 1, 2000
Donation of Contaminated Blocks	\$0	February 1, 2001
Receipt of BA-ME Blocks	\$0	April 1, 2001
Receipt of CLEC Blocks	\$862,400	April 1, 2001

If two changes are made to the current pooling implementation schedule, all but \$1,151,105 of the costs described by BA will be avoided.⁴ First, if we delay donation of contaminated blocks until February 1, 2001, \$84,601 in costs are avoided. Second, if we delay BA's use of donated blocks (either BA or CLEC donated) until April 1, 2001, \$1,804,436 in costs are avoided.⁵

To implement these changes to the schedule, one modification must be made to the Industry Numbering Committee Thousand Block Pooling Administration Guidelines (INC Guidelines). In order to ensure that BA will not be required to use any donated blocks until after April 1, 2001 (which allows Maine to avoid the costs associated with manual use of donated blocks), we must allow carriers to keep a 15-month supply of blocks at the time pooling begins. While the 15-month supply calculation assumes a 6-month inventory rather than a 9-month inventory, a final determination regarding the permanent use of a 6 or 9-month inventory will be made during our consideration of the State Coordination Group's proposed revisions to the INC Guidelines.

C. Analysis of Utilization Data

Based upon an analysis of the number utilization data provided by the Industry in the fall of 1998, March 1999, and September 1999, it appears that there will be sufficient vacant blocks to initially populate the pools in almost all pooling rate

⁴ Use of BA's numbers for the purpose of this analysis does not indicate any finding by the Commission that these costs will be fully recoverable. The amount and method of recovery of BA's carrier-specific costs will be determined in a later phase of this proceeding. The Commission intends to schedule a technical conference to further consider cost recovery issues.

⁵ $\$18,515 + \$1,570,321 + (\$862,400/4) = \$1,804,436$. Shared costs are divided by four states (ME, NH, MA, and NY) because BA has a very minimal presence in Connecticut and thus Connecticut will likely not pay a full share of the costs. Vermont and Rhode Island were not included in the calculation because they have not applied for nor received any authority from the FCC to conduct a numbering pooling trial.

centers. Specifically, fewer than 10 rate centers will likely have to be filled by full NXXs if carriers donate all vacant blocks not needed to meet their 15-month supply needs.

This analysis is preliminary and does not take into account: (1) technical limitations, such as the need for Centrex customers to avoid certain thousand blocks; (2) any unexpected spikes in customer demand due to the introduction of a new product into the marketplace or any other special marketing programs; or (3) rate center-specific forecasts by carriers.

At the Industry Implementation Meeting on November 17, 1999, BA and other carriers indicated a willingness to work with the Commission if it became clear that the donation of a limited number of contaminated blocks to meet specific rate center numbering needs would result in substantial savings in whole codes. The Commission, through its staff, will work closely with the carriers and NeuStar to populate the individual pools as efficiently as possible.

D. Decision

When the findings described above are considered together, it becomes clear that for approximately \$1.1 million the Commission can begin pooling on June 1, 2000, save at least 40 full codes (wireline codes projected to be used after the pool start date plus half of the estimated new entrant codes), and be assured that there is a sufficient supply of both blocks and full codes in the 207 NPA for many years. If pooling does not begin until October 2000 and there are more new entrant code needs than anticipated, it is quite possible that the 207 NPA could exhaust before the benefits of pooling can be realized. It is also important to note that once thousand block pooling is in place for all carriers, 40 full codes could supply many years of numbering needs for the 207 NPA. Thus, the Commission will proceed with the June 1 start date for pooling with the modifications suggested above.

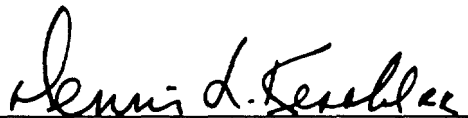
We do not reach a final decision regarding whether the Commission will adopt the State Coordination Group's (SCG) version of the INC Guidelines. The Hearing Examiner mistakenly included a reference to those guidelines in the Examiner's Report when the intention was to first seek further comment and then reach a decision. A procedural order was issued on February 1, 2000, requesting comment of the SCG's version of the Guidelines by February 22, 2000. While we note that the FCC has clearly delegated authority to modify the Guidelines and that state input to the Guidelines will likely be very valuable, we will defer a final decision until after we have had an opportunity to review the parties' comments.

With regard to the comments of MCI WorldCom, Inc. (MCI) concerning the need for written procedures on BA's disposition of excess blocks acquired before April 1, 2001, we agree with MCI that BA should not be allowed to retain any unnecessary blocks for which it becomes the LERG-assignee. We note that in its

comments to the Examiner's Report, BA commits to returning all unnecessary blocks by the May 25, 2000 block donation date. We direct the Hearing Examiner to work with the parties to develop a written protocol to ensure that all carriers maintain only a 15-month supply of blocks at the time pooling begins.

Dated at Augusta, Maine, this 1st day of March, 2000.

BY ORDER OF THE COMMISSION

A handwritten signature in black ink, appearing to read "Dennis L. Keschl", written over a horizontal line.

Dennis L. Keschl
Administrative Director

COMMISSIONERS VOTING FOR:

Welch
Nugent
Diamond

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Civil Procedure, Rule 73, et seq.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.

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